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VIA ECF AND EMAIL
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Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: *Securities Investment Protection Corporation v. Bernard L. Madoff Investments Securities, LLC*, (08-01789-SMB)

Dear Judge Bernstein:

I write on behalf of the defendants in 90 clawback actions to join in the request made by Andrew Kratenstein of McDermott Will & Emery, by letter dated November 14, 2016, that the depositions of numerous former employees of Bernard L. Madoff Investment Securities, LLC, taken in the profit withdrawal litigation, be admissible in the various clawback actions. With respect to each of such depositions, the Trustee's counsel not only had a full opportunity to question each witness but also had the opportunity to prepare each witness for his/her testimony.

Subject to any evidentiary objections preserved under the Federal Rules of Civil Procedure, the transcripts would be admissible under Fed. R. Civ. Pro. Rule 32(a) and there does not appear to be any reason to force the clawback defendants to incur the expense of re-depositing the same witnesses. Moreover, there would appear to be no justification for imposing the burden of additional depositions on the witnesses. I have attempted to work this out with the Trustee's counsel who indicated that they would agree to the admission of portions of the transcripts but not all of them. This was unacceptable for obvious reasons.

Respectfully submitted,

/s/ Helen Davis Chaitman

Helen Davis Chaitman

HDC:leb

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